

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA ) COLLIER/CARTER  
 )  
 v. ) CASE NO. 1:12-CR-5  
 )  
 DONALD JERRY WHITENER )

## ORDER

On December 11, 2012, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to Counts One through Five of the Indictment; (b) the Court adjudicate Defendant guilty of the charges set forth in Counts One through Five of the Indictment; and (c) Defendant shall remain in custody pending sentencing in this matter (Court File No. 21). Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to Counts One through Five of the Indictment is  
**ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One through  
Five of the Indictment; and

(3) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Thursday**,

**March 21, 2013, at 9:00 am.**

**SO ORDERED.**

## ENTER:

/s/

**CURTIS L. COLLIER  
UNITED STATES DISTRICT JUDGE**